United Nations S/AC.51/2014/1

Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in the Philippines

1. At its 41st meeting, on 25 October 2013, the Security Council Working Group on Children and Armed Conflict examined the third report of the Secretary-General on children and armed conflict in the Philippines (S/2013/419), which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Deputy Permanent Representative of the Philippines also addressed the Working Group.

2. The members of the Working Group welcomed the presentation of the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the commitment of the Philippines to develop an operational strategy for its armed forces and encouraged it to keep the United Nations country task force on monitoring and reporting informed about its progress. The steps taken by the Philippines in cooperating with the United Nations country task force on monitoring and reporting were also welcomed. Actions of non-State armed groups remain a major obstacle to ending and preventing all violations and abuses committed against children in the situation of armed conflict in the Philippines.

4. The Deputy Permanent Representative of the Philippines reaffirmed his Government's firm and demonstrated resolve to protect children and their rights, especially those situated in areas of conflict. He stressed that the general decline in the number of large-scale armed hostilities indicated advancements in the respective peace processes. He also informed the members of the Working Group about key institutional, policy framework and legal developments that had occurred after the reporting period, such as the creation of a monitoring, reporting and response system for grave child rights violations in situations of armed conflict. He expressed regret that some of the reported violations had occurred two years ago and pointed out that the process of preparing the Secretary-General's report on children and armed conflict in the Philippines had revealed gaps that needed to be addressed. In his Government's view, progress could be made in improving reporting by obtaining clear, accurate and verifiable data. He also stressed that in his Government's opinion, the Security Council might want to consider a stronger focus on the

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encouragement that delisting could bring to sustaining the efforts to protect children in armed conflict.

5. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012), the Working Group agreed to the direct action set out below.

Public statement by the Chair of the Working Group

6. The Working Group agreed to address the following message to all parties to the armed conflict in the Philippines mentioned in the report of the Secretary-General through a public statement by its Chair:

(a) Considering that the best way to protect children is through peace, and therefore welcoming a decline in the number of large-scale armed hostilities in the Philippines and the commitment of the Government to invest in responsive social programmes that address the root causes of armed conflict;

(b) Strongly condemning all violations and abuses committed against children by all parties to the armed conflict mentioned in the above-referenced report, and expressing particular concern about the continued recruitment and use of children, killing and maiming and attacks on schools and hospitals in violation of applicable international law;

(c) Calling upon all parties to the conflict in the Philippines to immediately end and prevent all violations and abuses committed against children, and demanding that all parties further implement previous conclusions of the Working Group (S/AC.51/2008/10 and S/AC.51/2010/5);

(d) Recognizing that children's vulnerability to violations and abuses committed by parties to the armed conflict might have increased in areas in the Philippines affected by Typhoon Haiyan, and urging relevant international governmental and non-governmental agencies working in affected areas to bear this risk in mind.

To the leadership of the Moro Islamic Liberation Front

(a) Welcoming the developments in the peace process between the Government and the Moro Islamic Liberation Front (MILF), including the signing on 25 January 2014 of the last of the four annexes to the Government of the Philippines-MILF Framework Agreement on the Bangsamoro of 2012, and encouraging MILF to continue, in line with Security Council resolution 1612 (2005), its consultations with the United Nations country task force on monitoring and reporting towards the integration of child protection provisions into the peace talks;

(b) Requesting MILF to immediately end and prevent all recruitment and use of children in line with the action plan between MILF and the United Nations in the Philippines signed on 1 August 2009, and the subsequent supplemental general order issued by the MILF leadership in 2010, and to immediately end all killing and maiming of children and attacks on schools and hospitals in violation of applicable international law;

(c) Taking note of the signing of the extension of the action plan between MILF and the United Nations in the Philippines in April 2013, and urging MILF to continue collaborating with the United Nations with a view to implementing all provisions of the action plan and meeting as a matter of priority the concrete and time-bound operational benchmarks agreed upon in May 2013;

(d) Also urging MILF to implement its supplemental general order of 2010 and ensure that all necessary military personnel and local communities are aware of its provisions, including sanctions for breaching it, and encouraging MILF to demonstrate compliance by keeping the United Nations country task force on monitoring and reporting informed about progress in the implementation of the supplemental general order on a regular basis;

(e) Strongly urging MILF to establish a complaints mechanism through its command structure, instituting a system for reporting and addressing alleged violations and abuses committed against children by members of MILF.

To the leadership of the Bangsamoro Islamic Freedom Fighters

(a) Expressing concern about reports of the recruitment and use of children in violation of applicable international law by the Bangsamoro Islamic Freedom Fighters (BIFF);

(b) Urging BIFF to publicly express their commitment and take active steps to end all recruitment and use of children in violation of applicable international law and to prevent all violations and abuses committed against children, including by entering into dialogue with the United Nations.

To the leadership of the New People's Army

(a) Calling upon the National Democratic Front of the Philippines (NDFP) and its military wing, the New People's Army (NPA), to end and prevent all recruitment and use of children, killing and maiming and attacks on schools and hospitals in violation of applicable international law;

(b) Urging NPA to publicly express its commitment to end and prevent all violations and abuses committed against children and to expeditiously develop action plans in line with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012).

To the leadership of the Abu Sayyaf Group

(a) Calling upon the Abu Sayyaf Group (ASG) to end and prevent all recruitment and use of children, killing and maiming and attacks on schools and hospitals in violation of applicable international law, and expressing concern about reports of abductions of children, kidnapping for ransom and extortion activities that target children;

(b) Urging ASG to publicly express its commitment and take active steps to end and prevent all recruitment and use of children in violation of applicable international law and all other violations and abuses against children, including through the expeditious development and implementation of action plans in line with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011) and 2068 (2012).

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of the Philippines:

(a) Welcoming the efforts taken by the Government of the Philippines to institutionalize human rights principles in its security operations, and encouraging it to continue its dialogue and cooperation with the United Nations country task force on monitoring and reporting on strengthening the capacity of its armed forces to better protect children and prevent violations in conflict-affected areas by integrating provisions on child rights and child protection, into relevant training, doctrines, rules of engagement and standard operating procedures and other directives of the military, the police and their auxiliary forces;

(b) Commending in this regard the progress made in developing standard operating procedures for the Armed Forces of the Philippines in its interaction with schools and schoolchildren as a positive step towards ensuring the protection of children in military operations, and recommending further collaboration with the United Nations in the practical implementation of the procedures;

(c) Further commending the efforts of the Armed Forces of the Philippines towards preparing a comprehensive strategy on children and armed conflict, and encouraging it to continue collaborating with and regularly inform the United Nations country task force on monitoring and reporting about progress made in this regard;

(d) Requesting the Armed Forces of the Philippines and the Citizen Armed Forces Geographical Unit to immediately end and prevent the use of children, killing and maiming and the military use of schools and health units in violation of applicable international law, and expressing concern about several incidents of sexual violence against children;

(e) Commending in this regard the progress made by the Philippines in developing specific legislation to protect children in conflict and prevent violations, including the criminalization of child recruitment, as well as the signing on 2 August 2013 of Executive Order No. 138, which creates a monitoring, reporting and response system for grave child rights violations in situations of armed conflict, as steps in the right direction;

(f) Further expressing concern regarding the protection of the rights of children detained by AFP and other security forces because of their alleged association with armed groups as well as regarding the public release of the names and pictures of children, labelling them as alleged members of armed groups, and stressing that children arrested during operations must be primarily treated as victims and protected from public exposure;

(g) Taking note of the efforts that have been made to amend Republic Act 7610, and in this regard calling upon the Government to ensure that the amended version of Republic Act 7610 guarantees and protects the rights of children who have been separated from armed groups;

(h) Welcoming the developments in the peace process between the Government and MILF, including the signing on 25 January 2014 of the last of the four annexes to the Government of the Philippines-MILF Framework Agreement on the Bangsamoro of 2012, and encouraging MILF to continue, in line with Security

Council resolution 1612 (2005), its consultations with the United Nations country task force on monitoring and reporting towards the integration of child protection provisions into the peace talks;

(i) Further welcoming the support of the Government with regard to dialogue on children and armed conflict by the United Nations country task force on monitoring and reporting with non-State armed groups, including MILF and NDFP/NPA, and encouraging the Government to continue to provide appropriate support for the implementation of the action plan between MILF and the United Nations in the Philippines signed on 1 August 2009.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Inviting him to ensure that the United Nations country task force on monitoring and reporting strengthens, in cooperation with the Government of the Philippines, its monitoring and reporting activities regarding all violations and abuses committed against children in the armed conflict in the Philippines, including for the full and expeditious implementation of the action plan between MILF and the United Nations in the Philippines signed on 1 August 2009;

(b) Requesting him to encourage the United Nations country task force on monitoring and reporting to renew its efforts to reach out to NPA, in close cooperation with the Government of the Philippines, with a view to developing an action plan to end and prevent the recruitment and use of children in violation of applicable international law and to address other violations and abuses against children committed by NPA in the Philippines.

Direct action by the Working Group

9. The Working Group agreed to send letters from the Chair of the Working Group addressed to the World Bank and donors:

(a) Calling upon the World Bank and donors to provide the necessary financial resources to assist the United Nations country task force on monitoring and reporting to strengthen its capacities for monitoring and reporting all violations and abuses committed against children in the armed conflict in the Philippines, and for the full implementation of the action plan between MILF and the United Nations in the Philippines signed on 1 August 2009, as well as the preparation of action plans with ASG and NPA, which are listed in annex II to the report of the Secretary-General on children and armed conflict, and to keep the Working Group informed as appropriate;

(b) Inviting them to support and fund effective welfare programmes for children affected by armed conflict and to prioritize issues concerning the protection, rights and well-being of children affected by armed conflict when considering support for the Philippines.